

**MEDICAL LICENSING BOARD OF INDIANA
INDIANA GOVERNMENT CENTER SOUTH
402 WEST WASHINGTON STREET
ROOM W064
INDIANAPOLIS, INDIANA 46204**

MINUTES OF SEPTEMBER 23, 2010

Stephen Huddleston, J.D., President called the meeting to order at 9:30 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present: Stephen Huddleston, J.D., Consumer
Member, President
Robert Allen, M.D.
Lynda Smirz, M.D.
Worthe Holt, Jr., M.D.
Bharat Barai, M.D., Vice President
(arrived at 10:00 a.m.)
Donald Vennekotter, M.D., Secretary

Staff Present: Kristen Kelley, Board Director
Professional Licensing Agency
Jody Edens, Assistant Board Director
Professional Licensing Agency
James Schmidt, Deputy Attorney General
Office of the Attorney General

The Board voted to adopt the agenda as amended.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D.,
Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D.

Holt/Smirz, 5/0/0
Motion carries

The Board voted to adopt the minutes of the August 26, 2010 meeting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D.,
Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D.

Holt/Smirz, 5/0/0
Motion carries

PERSONAL APPEARANCES

RENEWAL APPLICANTS

The following appeared before the full Board for their scheduled personal appearances and were sworn in under oath:

Mohammed Mazumder, M.D. – Dr. Mazumder appeared before the Board regarding a positive response on his initial application for licensure and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D., Bharat Barai, M.D.

Dr. Mazumder was only given ten (10) months credit for one of his residency programs. He has submitted proof that he has completed the requirement for residency in Indiana.

After discussion the Board moved to APPROVE Dr. Mazumder's application for licensure.

Allen/Smirz, 6/0/0
Motion carries

Kevin Schopmeyer, M.D. - Dr. Schopmeyer appeared before the Board regarding a waiver of the two (2) years post graduate training requirement and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D., Bharat Barai, M.D.

IC 25-22.5-3-2 states in part: (2) submits evidence satisfactory to the board that prior to passing the examination the applicant has successfully completed a minimum of at least (2) two years of postgraduate training in a hospital or an institution located in the US or Canada which meets the standards approved by the nationally recognized medical or osteopathic accrediting bodies in the US for the purpose of graduate training and is approved by the board;
Is entitled to receive an unlimited license to practice medicine or osteopathic medicine.

(b) Notwithstanding subsection (a), the board may waive the second year of postgraduate training in the US or Canada required of a graduate of a foreign medical school.

Dr. Schopmeyer attended St. Georges University School of Medicine, therefore is required to obtain 2 years of postgraduate training since it is outside of the US.

He started his residency July 1, 2009 and is requesting a waiver of the last 8 months of his residency requirement. He informed the Board that he will complete the full residency program, but he wants a full license now in order to moonlight while finishing his program.

After discussion the Board moved to not approve the waiver request but to TABLE Dr. Schopmeyer's application until he has completed his two (2) years of residency.

CONSENSUS
Motion carries

ADMINISTRATIVE HEARINGS

Kamal Kumar Tiwari, M.D., License No. 01034945A, Cause No. 2010 MLB 0007

Respondent did appear in person and was represented by counsel Arend Abel, Kelly Johnson and Michael Blinn regarding a Prehearing Conference scheduled before the Board. The State of Indiana was represented by Maureen Devlin, Deputy Attorney General and Christa Jewsbury, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D, Donald Vennekotter, M.D., Bharat Barai, M.D.

The Board inquired each party on when they will be ready and how long they anticipate the final hearing to take.

Mr. Abel responded that he would be ready by the October 28, 2010 meeting and anticipated at least three (3) days for the hearing.

Ms. Devlin responded that State would also be ready by the October 28, 2010 meeting and anticipated at least three (3) days for the hearing.

Mr. Huddleston inquired Mr. Abel about the law suit that was filed against the Board. He asked that the Board be notified 4:00 p.m. today (September 24, 2010), whether the suit would be dismissed. Mr. Abel agreed to inform the Board regarding this matter by 4:00 p.m.

After discussion, the Board decided to schedule the hearing for October 28, 2010 beginning approximately at 1:00 p.m. and go through Saturday October 30th.

Board requested staff to inquire about meeting rooms/location.

After discussion, all parties agreed upon the dates.

James Okoh, M.D., License No. 01065219A, Cause No. 2010 MLB 0005

Respondent did appear in person and was represented by counsel Stephanie Holtzlander regarding a Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D., Bharat Barai, M.D.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included a LETTER OF REPRIMAND and a FINE of \$1,000.

After reviewing the agreement and taking its file into consideration, the Board moved to APPROVE the settlement agreement.

Vennekotter/Allen, 6/0/0
Motion carries

Patrick Joseph Cadigan, M.D., License No. 01066319A, Cause No. 2010 MLB 0008

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default and Response scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D., Bharat Barai, M.D.

Dr. Cadigan responded to the notice of proposed default asking not to be defaulted.

Mr. McGee requested that the notice of proposed default be set aside due to the response from Dr. Cadigan.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to SET ASIDE the NOTICE OF PROPOSED DEFAULT and reschedule the final hearing.

CONSENSUS
Motion carries

Ronald E. Davis, M.D., License No. 01042217A, Cause No. 96 MLB 0038

Respondent did appear in person and was not represented by counsel regarding a Request to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Both parties agreed to waive notice of hearing.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D, Donald Vennekotter, M.D., Bharat Barai, M.D.

Dr. Davis has been on probation for seventeen (17) years. According to term 2 of his probationary order, he must provide proof that he has taken and passed an examination as prescribed in paragraph 2 of his Stipulation of Consent, Decision and Order from California dated July 18, 1995.

Dr. Davis informed the Board that he has not taken the California test as he is never going to go back to California to practice.

He also stated that he does 60 to 100 hours of CME each year and does not have any malpractice actions.

After having considered the evidence presented and taking official notice of its file in this matter, the Board moved to WITHDRAW the ORDER OF PROBATION.

Barai/Vennekotter, 3/3/0, with Dr's. Smirz, Allen and Mr. Huddleston objecting
Motion fails

After further discussion the Board moved to TABLE this matter until Dr. Davis has taken and passed the SPEX examination. Once he has taken and passed the SPEX examination this matter will be reset for hearing.

Holt/Smirz, 4/0/2 with Dr's. Barai and Vennekotter abstaining
Motion carries

Brad Strausburg, M.D., License No. 01029845A, Cause No. 2008 MLB 0037

Respondent did appear in person and was represented by counsel Jennifer Lukemeyer regarding a Request to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Both parties agreed to waive notice of hearing.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D, Donald Vennekotter, M.D., Bharat Barai, M.D.

Candace Backer, Indiana State Medical Association Impaired Physician's Program was sworn in as a witness for the Respondent.

Ms. Backer testified that Dr. Strausburg is compliant with his ISMA contract and they agreed to support Dr. Strausburg's request to withdraw probation if he agreed to voluntarily sign a contract with ISMA for the duration of his career as a physician.

Dr. Strausburg indicated that he did voluntarily agree to stay on contract with ISMA. His sobriety date is August 2005.

After having considered the evidence presented, testimony of the witness and taking its file into consideration, the Board moved to WITHDRAW the order of Probation.

Holt/Huddleston, 4/1/1, with Dr. Smirz objecting and Dr. Barai abstaining
Motion carries

Steven E. Stoller, M.D., License No. 01024995A, Cause No. 2003 MLB 0004

Respondent did appear in person and was represented by counsel Mary Watts regarding a request to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Both parties agreed to waive notice of hearing.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D, Donald Vennekotter, M.D., Bharat Barai, M.D.

Dr. Stoller indicated that he is in compliance with the terms of his probation.

He also stated that he will continue with his recovery program. He sees his Therapist a minimum of one (1) time per month and goes to two (2) support groups a week.

He is currently a registered sex offender. When he was on criminal probation he had to register, once his probation was successfully completed he was taken off the registry. In 2006 a new law was put into effect which made him register again. He stated that currently he is not limited in seeing children under the age of 18. He also stated that he always has a professional chaperone in the room with him any time that he treats a person under the age of 18, for his own protection.

He is currently in a solo practice and is a Board certified ophthalmologist.

After having considered the evidence presented and taking its file into consideration, the Board moved to GRANT the request to WITHDRAW the ORDER of PROBATION.

Smirz/Barai, 6/0/0
Motion carries

Glenn Ballengee, D.O., License No. 02000654A, Cause No. 2010 MLB 0013

Respondent did appear in person and was not represented by counsel regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner Crawford and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Both parties waived notice for a final hearing.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D., Bharat Barai, M.D.

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement agreement included INDEFINITE SUSPENSION with terms and conditions and a FINE amount to be determined by the Board.

After reviewing the settlement agreement and taking its file into consideration, the Board moved to APPROVE the Settlement Agreement and set the amount of the FINE at \$500.00 payable prior to requesting reinstatement.

Dr. Ballengee and the State both agreed to the amount of the fine.

Smirz/Holt, 6/0/0

Motion carries

DISCUSSION

Expedited Partner Therapy (EPT) – The Board reviewed different States' rules regarding EPT in their state. The Board requested that Ms. Kelley and Mr. Schmidt prepare a draft of the rules to review.

INSPECT PRESENTATION- Phil Wickizer, Pharmacy Board Director and Josh Clapp, INSPECT Director, gave a presentation of the INSPECT program and unsolicited reporting.

The Board thanked them for their presentation.

Recommendations for General Assembly Update: Mr. Huddleston gave an update of the Board's recommendations to the General Assembly.

REVIEW OF INITIAL/RENEWAL APPLICATIONS

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D., Lynda Smirz, M.D, Donald Vennekotter, M.D.

The Board reviewed the positive response information on the following applicants and approved them for licensure: Vennekotter/Allen, 6/0/0 Motion carries

Young Me Chung, MD

Ben Lomas, M.D.

The Board reviewed the positive response information on the following applicants and requested them to appear before the Board: Smirz/Barai, 6/0/0 Motion carries

Thomas Byrne, M.D.

Sharon McRae, M.D.

PHYSICIAN ASSISTANT PRESCRIPTIVE AUTHORITY APPLICATIONS

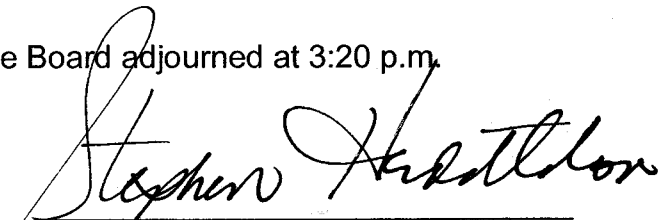
The Board reviewed and approved the following Physician Assistant Prescriptive Authority applications: Holt/Barai, 6/0/0 Motion carries

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Bharat Barai, M.D.

Jennifer Bradley, 10001216A

Jennifer Black, 10001094A
Kimberly Graber, 10001107A
Lauren Waugh, 10001108A
Kenneth Bates, 10001207A
Heather Mata, 10001212A
Mathew Taylor, 10001208A
Reagan Taylor, 10001209A
Leila Reed, 10001084A
April Nodine, 10001132A
Sarah Koopman, 10001111A
Kenneth Holloway, 10001067A
Jennifer Tackett, 10000840A
Tiffany Smith, initial app

There being no further business the Board adjourned at 3:20 p.m.



Stephen Huddleston, J.D., President



Donald Vennekotter, M.D., Secretary